

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

VICTOR PARRA, JR.

Plaintiff.

vs.

R. HERNANDEZ, Warden, *et al.*,

Defendants.

CASE NO. 08-CV-0191-H
(CAB)

**ORDER REGARDING
PLAINTIFF'S MOTION TO
ALTER OR AMEND
JUDGMENT**

On August 4, 2008, Plaintiff brought a motion to alter or amend judgment. (Doc. No. 25.) There is not yet a judgment for the Court to alter or amend. It is clear that, in substance, Plaintiff objects to the pending Report and Recommendation from the magistrate judge entered on July 22, 2008. The Report and Recommendation is not controlling unless adopted by the district judge. Therefore, the Court denies the request to alter or amend judgment and construes Plaintiff's filing as an objection to the Report and Recommendation. On August 4, 2008, Plaintiff also submitted a "Supplemental Lodgment" with his motion which the Court construes as part of his objections to the Report and Recommendation. (Doc. No. 27.)

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1 The Court extends the time for Defendants to reply to Plaintiff's objections to the
2 Report and Recommendation to **September 2, 2008**. The deadline for Defendants to
3 file objections to the Report and Recommendation remains unchanged.

4 IT IS SO ORDERED.

5 | DATED: August 12, 2008

Marilyn L. Huff
MARILYN L. HUFF, District Judge
UNITED STATES DISTRICT COURT

8 COPIES TO:
9 All parties of record.